

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Paragraphs 11, 19, 29-30, 33-34, 37, 41-42, 48, 59-61 and 63 have been amended for clarity and to correct minor typographical errors. Claim 1 has been amended to incorporate the subject matter of former claims 2-3; claim 13 has been amended to incorporate the subject matter of former claims 14-15; and claim 21 has been amended to incorporate the subject matter of former claims 24-25. Amendments to claims 1, 13 and 21 are also supported in the specification as originally filed, for example at paragraphs 19-21, 32 and 57 of the instant application, and figure 5 of US Provisional Application No. 60/510,020. The dependent claims have been amended to track changes made to their respective base claims. Claims 2-3, 14-15 and 24-25 have been cancelled. No new matter is being added by any of the present amendments.

Claims 1, 4-6, 9, 13, 16-18, 21-22 and 26-28 are patentable over Mitsui (US PGPUB 2003/0059104).

Claim 1, as amended, is patentable over Mitsui inasmuch as Mitsui fails to teach or suggest "locating, by the measurement system, edges of structural features within the target measurement area by searching in a proximity of reference edges defined in the edge information". In contrast, Mitsui locates an edge of a structural feature by searching along the entire width of the structural feature (i.e., DS1 and DS2 arrows in figure 5A) or searching along half the width of the structural feature (i.e., DS5 and DS6 arrows in figure 5B), with no consideration of searching in a proximity of reference edges. See, also, Mitsui, paragraphs 43 and 46. Therefore, claim 1 and its dependent claims are patentable over Mitsui. Claims 13 and 21 recite features similar to those recited in claim 1. Therefore, claims 13 and 21 and their respective dependent claims are likewise patentable over Mitsui.

Claims 7-8, 10-12, 19-20, 23 and 29-30 are patentable over Mitsui even in view of Lee et al. (US PGPUB 2002/0110278), Oh et al. (US PGPUB 2003/0086616) and/or Saito (US PGPUB 2003/0126566).

Lee, Oh and Saito are cited for teaching features of the dependent claims. Even if this is so, Lee, Oh and Saito fail to cure the above-mentioned deficiencies of Mitsui. Therefore, claims 7-8, 10-12, 19-20, 23 and 29-30 remain patentable over Mitsui, even in view of Lee, Oh and Saito.

For at least the foregoing reasons, the present claims are patentable over the cited references. If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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